



## Policy and Finance Committee

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**Date:** 19 April 2021

**Title:** Complaints Procedure review

**Purpose of the Report:** To recommend consideration of an updated Complaints Procedure.

**Contact Officer:** Sarah Sandiford, Deputy Town Clerk

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<b>Corporate Objective/s</b>	<b>LLTC Five Year Plan – Aim 1</b> (to consolidate processes and procedures, ensuring operational efficiency and a structure which will underpin future service delivery by the Town Council).
<b>Implications:</b>	
<b>Financial</b>	None
<b>Human Resources</b>	None
<b>Operational/Service delivery</b>	To ensure policies and procedures remain current and fit for purpose
<b>Risk/Health and Safety</b>	None

### 1. RECOMMENDATIONS

Should the Committee be minded, the proposals are:

- 1.1 To consider recommending to Council approval of a revised Complaints Procedure.

### 2. BACKGROUND

- 2.1 The Town Council's Complaints Procedure (**attached** at Appendix A) was adopted in May 2011 and was slightly revised in September 2015 to include a section on vexatious complaints/complainants.
- 2.2 As part of the ongoing review of Town Council policies and procedures and as set out in Standing Order 5(k)(vii), the Complaints Procedure has recently been reviewed, with a view to the majority of current content being ten years old and given that this procedure is one of those most relevant to members of the public.
- 2.3 The review process has included taking note of the following in considering the Town Council's procedure:

- i) SLCC Advice Note on Complaints Handling
  - ii) SLCC Model Complaints Procedure for town councils
  - iii) NALC Legal Topic Note 9E: Handling Complaints (England) (December 2018) – **attached** at Appendix B
  - iv) Local Government & Social Care Ombudsman guide to Effective Complaint Handling for Local Authorities (October 2020)
  - v) Complaints policies and procedures of 12 other larger parish councils for comparison purposes (Salisbury, Trowbridge, Lewes, Weymouth, Knutsford, Petersfield, Chesham, Cirencester, Calne, Falmouth, Bicester and Central Swindon South).
- 2.4 The Local Government & Social Care Ombudsman advocates a simple, clear policy which is easy to use, is based on clear procedures and defined responsibilities, is sensitive to the needs and circumstances of the complainant and is fully supported by councillors and officers.
- 2.5 The current Town Council procedure could be considered brief to the point of not providing sufficient clarity to either potential complainants or those dealing with any received complaints.
- 2.6 Guidance is clear that response to complaints should be proportionate and timely, with clear decision making which is communicated to relevant parties.
- 2.7 The LGO also makes clear that any investigation into a complaint which finds that a mistake or error was made, should consider what changes or improvements could be made by the organisation to prevent the same mistake happening again in future.
- 2.8 The Town Council's complaints process should only be concerned with complaints regarding council procedures or administration.
- 2.9 Current procedure is for the relevant committee to consider any complaints and if appealed, for a Complaints Committee to be convened to consider the appeal. Any decision made by a Complaints Committee shall be final.
- 2.10 The Town Council has not had to convene a Complaints Committee in over 14 years.
- 2.11 The Local Government & Social Care Ombudsman does not investigate parish councils unless the complaint pertains to a service the parish council is providing on behalf of a local authority. The focus of the Ombudsman is to remedy injustice and improve services. Recommendations arising from its investigations are not compulsory but are actioned by local authorities in 90% of cases.

### **3. RECOMMENDATIONS**

- 3.1 Based on the best practice guidance, it is recommended the current procedure be updated to include the following:

- (i) Definition of a complaint
- (ii) Which types of complaint are covered by the procedure and which are not
- (iii) Definition of the complaints procedure
- (iv) Definition of the appeals procedure
- (v) Clear timescales and defined responsibilities
- (vi) Data protection considerations

3.2 Committee is asked to consider the draft revised Complaints Procedure as **attached** at Appendix C.

**End.**